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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/841,448	04/24/2001	Harold J. Vinegar	5659-07400/EBM	4573

7590 12/02/2002

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EXAMINER

SUCHFIELD, GEORGE A

ART UNIT	PAPER NUMBER
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3672

DATE MAILED: 12/02/2002

18

Please find below and/or attached an Office communication concerning this application or proceeding.

Art Unit: 3672

1. The reply filed on October 15, 2002 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s):

The amendment fails to respond to the Office action mailed on September 23, 2002 (Paper No. 15), in which the first invention, i.e., Group I to claims 4699-4763 was elected via telephone restriction on September 11, 2002 (see page 2, Para 1) in said previous Office action. In this regard, a written election was mailed on September 10, 2002 (Paper No. 13), when applicant did not initially respond to a previous election inquiry on August 29, 2002 (see page 3, Para. 4) of said Office action dated September 10, 2002. However, during the telephone restriction on September 11, 2002 (noted on page 2, Para 1 of the said September 23, 2002 Office action), it was agreed applicant would not need to respond to the written election on September 10, 2002 (Paper No. 13).

In summary, applicant elected the Group I invention to claims 4699-4763 (consistent with the election, and Office action on the merits, of corresponding claims 4703-4767 in the "sister" case, S.N. 09/841,311, i.e., same method applied to a hydrocarbon formation) via said telephone restriction on September 11, 2002, which were then examined in the said Office action mailed on September 23, 2002 (Paper No. 15).

Accordingly, in response to this action, applicant should cancel all the claims pending/presented in their Amendment filed on October 15, 2002 (Paper No. 17), which correspond to claims previously non-elected during the said September 11, 2002 telephone election, and resubmit claims 4699-4763, as amended(?), as *new* claims, insofar as claims 4699-4763 can't be "uncanceled", along with any additional new claims desired. Applicant may further opt to submit a terminal disclaimer over "sister" case, S.N. 09/841,311, insofar as the

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previously-elected claims 4699-4763 were only rejected under obviousness double patenting (see Para 4 in the said Office action mailed on September 23, 2002 (Paper No. 15)).

See 37 CFR 1.111. Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. **EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to George Suchfield whose telephone number is 703-308-2152. The examiner can normally be reached on M-F (6:30 - 3:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Bagnell can be reached on 703-308-2151. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-7687 for regular communications and 703-305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

  
George Suchfield  
Primary Examiner  
Art Unit 3672

gs  
December 2, 2002